

TWELFTH DAY

(Continued)

(Friday, January 26, 1962)

After Recess

The Senate met at 10:30 o'clock a.m., and was called to order by the President Pro Tempore.

Message from the House

Hall of the House of Representatives

Austin, Texas,
January 26, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has Passed the following:

H. B. No. 66, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, to be known as McLennan County Water Control and Improvement District—Bosqueville Hills; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; defining powers of District; conferring on District the rights, powers, privileges, authority, and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation and no hearing for exclusions and no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; authorizing District certain rights, powers, and authority for and in connection with its systems, facilities, and other things necessary to the fulfillment of its purposes whether within or without the boundaries of the District but limited to McLennan County, Texas, and related matters; providing for governing body of District; providing for qualifications and bonds of Directors; naming first Board of Directors; providing for terms and election of Directors; providing Directors to fill vacancies; providing for organiza-

tion of Board of Directors; providing for employment of engineers, attorneys, fiscal agents, managers, and employees; providing for sale and price of bonds or refunding bonds; providing for exchange of bonds or refunding bonds; for property acquired or in payment of contract price for work done or materials or services furnished and providing for price of bonds or refunding bonds in such exchange; providing for bonds and refunding bonds to be approved by Attorney General of Texas and registered by the Comptroller of Public Accounts and providing for negotiability, legality, validity, obligation, and incontestability of the bonds or refunding bonds; making bonds as refunding bonds eligible investments; making inapplicable to the District certain provisions of Article 7880-77b, Vernon's Texas Civil Statutes, as amended; exempting property and bonds of the District from taxation, and related matters; providing for an annual audit, fiscal year, and related matters; providing District shall bear expense of relocating, raising, or rerouting of any highway, railroad, utility lines, or pipelines made necessary by its exercise of the power of eminent domain; enacting other provisions related to the aforementioned subjects; granting District power to lease or contract for water supply, sewage disposal, drainage, and related systems, facilities and services, and to operate, maintain, collect, account to owners of the systems, and related matters; providing for a severability clause; and declaring an emergency."

H. B. No. 81, A bill to be entitled "An Act to amend Section 2, Article 4 of Chapter V of Chapter 97, Acts of the 48th Legislature, Regular Session, 1943, as amended, codified as Section 2 of Article 342-504, Vernon's Texas Civil Statutes, relating to the conditions upon which State banks may make loans upon security of real estate or invest funds in obligations secured by real estate, so as to liberalize the limitation of percentage of appraised value of residential real estate which may be included in the total 'net balance' owing upon the indebtedness secured by such lien; repealing conflicting laws; and declaring an emergency."

H. B. No. 55, A bill to be entitled "An Act amending Chapter 25, Acts of the 39th Legislature, Regular Ses-

sion, 1925, codified as Article 7880-75, Vernon's Texas Civil Statutes, so as to provide that lands added to water control and improvement districts shall be subject to certain taxation and assessments so as to pay, pro rata, existing or future indebtedness; validating certain acts of districts; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Leaves of Absence

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Schwartz.

Senator Baker was granted leave of absence for today on account of important business on motion of Senator Krueger.

House Bills on First Reading

The following bills received from the House were read the first time and referred to the committees indicated:

H. B. No. 40, To the Committee on Public Health.

H. B. No. 23, To the Committee on Jurisprudence.

House Bill 18 Re-referred

On motion of Senator Schwartz and by unanimous consent H. B. No. 18 was withdrawn from the Committee on Counties, Cities and Towns and re-referred to the Committee on Water and Conservation.

Presentation of Guests

On motion of Senator Patman and by unanimous consent Mr. Henry Hafernich and Mr. Bill Dewey of Edna, Texas, and Mr. Benny Sarrat of Beeville, Texas, were presented to the Members of the Senate.

Motion to Place

Senate Bill 61 on Second Reading

Senator Hardeman moved to suspend the regular order of business and take up S. B. No. 61 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—15

Aikin	Parkhouse
Crump	Ratliff
Hardeman	Reagan
Hudson	Schwartz
Kazen	Secrest
Lane	Smith
Martin	Willis
Owen	

Nays—10

Calhoun	Moffett
Colson	Moore
Creighton	Patman
Dies	Rogers
Herring	Spears

Absent

Hazlewood

Absent—Excused

Fuller	Weinert
Roberts	

PAIRED

Senator Krueger (present), who would vote Nay, Senator Baker (absent), who would vote Yea.

Senate Bill 29 on Second Reading

Senator Spears asked unanimous consent to suspend the regular order of business and take up S. B. No. 29 for consideration at this time.

Pending explanation of the bill by Senator Spears, Senator Hudson raised the point of order that a motion to suspend the regular order of business to take up a bill out of its regular order is not debateable.

The President Pro Tempore overruled the point of order and referred to similar ruling by Lt. Gov. Witt, 43rd Reg., and by Pres. Pro Tempore Woodul, 43rd Reg.

Senator Spears then moved to suspend the regular order of business and take up S. B. No. 29 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Dies
Calhoun	Hardeman
Colson	Hazlewood
Creighton	Herring
Crump	Hudson

Kazen	Ratliff
Krueger	Reagan
Lane	Rogers
Martin	Schwartz
Moffett	Secrest
Moore	Smith
Parkhouse	Spears
Patman	Willis

Nays—1

Owen

Absent—Excused

Baker	Roberts
Fuller	Weinert

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 29, A bill to be entitled "An Act changing the salary group allocation of certain classified positions and providing that certain funds heretofore appropriated to the Board of Water Engineers for the years ending August 31, 1962 and August 31, 1963, respectively shall be available for payment of salaries of such positions; providing that the classified position of Assistant Chief Engineer be changed to an unclassified position and that monies heretofore appropriated shall be available for the payment of the salary of such position; authorizing the Board of Water Engineers to employ one secretary to fill the classified position of Administrative Secretary, Class Number 0138, in lieu of one of the secretarial positions authorized under Senate Bill No. 1, First Called Session of the 57th Legislature and making available funds heretofore appropriated to pay the salary of such position; providing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Spears offered the following committee amendment to the bill:

Amend S. B. 29, Section 2, by changing the period at the end of Section to a comma and adding the following:

provided, however, that the number of positions authorized in each classification shall not exceed the corresponding number of positions authorized in S. B. 1, Acts of the 57th Legislature, First Called Session, 1961.

The committee amendment was read and was adopted.

On motion of Senator Spears and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Senator Parkhouse moved the previous question on the passage to engrossment of S. B. No. 29 and the motion was duly seconded.

Question: Shall the previous question now be put?

The previous question was ordered by the following vote:

Yeas—19

Aikin	Lane
Calhoun	Martin
Colson	Moffett
Creighton	Parkhouse
Crump	Ratliff
Hardeman	Reagan
Hazlewood	Schwartz
Herring	Secrest
Kazen	Spears
Krueger	

Nays—8

Dies	Patman
Hudson	Rogers
Moore	Smith
Owen	Willis

Absent—Excused

Baker	Roberts
Fuller	Weinert

The bill as amended was passed to engrossment.

Senate Bill 29 on Third Reading

Senator Spears moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 29 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Krueger
Calhoun	Lane
Colson	Martin
Creighton	Moffett
Crump	Moore
Dies	Parkhouse
Hardeman	Patman
Hazlewood	Ratliff
Herring	Reagan
Hudson	Rogers
Kazen	Schwartz

Secrest
Smith

Spears
Willis

Nays—1

Owen

Absent—Excused

Baker
Fuller

Roberts
Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Question: Shall S. B. No. 29 be finally passed?

Bills and Resolution Signed

The President Pro Tempore signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

S. B. No. 7, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Pettus Municipal Utility District'; etc.; and declaring an emergency."

S. B. No. 15, A bill to be entitled "An Act authorizing certain cities to issue revenue bonds for the purpose of establishing, improving, enlarging, extending or repairing the airport or airports thereof, including the acquisition of land therefor, and containing provisions relating to such bonds and the revenues pledged in payment thereof; authorizing the levy and pledge of ad valorem taxes to pay operation and maintenance expenses of such airport or airports and containing provisions relating to the use thereof; etc.; and declaring an emergency."

S. B. No. 17, A bill to be entitled "An Act authorizing the Boards of Education of Public Schools of Texas and the Governing Boards of State-supported institutions of higher education to purchase annuities for their employees and declaring an emergency."

S. B. No. 19, An Act creating a Court of Domestic Relations for Tarrant County, Texas; fixing the jurisdiction; conforming the jurisdiction of other courts thereto; fixing its term; providing the manner of selection,

tenure and compensation of the judge and other officers of said Court; etc.; and declaring an emergency.

S. B. No. 88, A bill to be entitled "An Act constituting a local law for the maintenance of public roads and highways in Robertson County; and declaring an emergency."

S. B. No. 93, A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill No. 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by amending Section 41 of said Article; authorizing payment to vendors of Medical Assistance on behalf of recipients of Public Assistance, as the term is defined in Senate Bill No. 79, Page 858, Acts of the Fifty-seventh Legislature, Regular Session, 1961, and being codified in Vernon's Texas Civil Statutes as Article 695j, in accordance with the rules and regulations promulgated by the State Department of Public Welfare, while such recipients are temporarily visiting outside of the State; providing a repealing clause, a saving clause; and declaring an emergency."

S. B. No. 95, A bill to be entitled "An Act authorizing the sale or lease of certain tracts of land located in Matagorda County comprising the camp site of Camp Hulen; providing that the governing body of the City of Palacios shall be agent of the State of Texas for the purpose of consummating the sale or lease of such property."

S. C. R. No. 20, Congratulating A. C. Howerton.

S. B. No. 22, A bill to be entitled "An Act creating Alice Water Authority, a conservation district, under Article 16, Section 59, of the Constitution, comprising the territory contained in the City of Alice, Texas, as of December 1, 1961; etc.; and declaring an emergency."

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 81, To the Committee on Banking.

H. B. No. 55, To the Committee on Water and Conservation.

H. B. No. 66, To the Committee on Water and Conservation.

Report of Standing Committee

Senator Hardeman by unanimous consent submitted the following report:

Austin, Texas,
January 26, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 23, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

House Concurrent Resolution 23 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. C. R. No. 23 was ordered not printed.

House Concurrent Resolution 23 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 23, Granting Claud Keeton et al. permission to sue the State of Texas.

The resolution was read and was adopted.

House Concurrent Resolution 17 on Second Reading

The President Pro Tempore laid before the Senate on its second reading the following resolution:

H. C. R. 17, Granting Connecticut General Life Insurance Company permission to sue the State of Texas.

The resolution was read and was adopted.

Senate Bill 89 with House Amendments

Senator Hardeman called S. B. No.

89 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hardeman moved that the Senate concur in the House amendments.

Yeas and Nays were demanded.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

Nays—1

Patman

Absent—Excused

Baker	Roberts
Fuller	Weinert

Senate Bill 34 with House Amendments

Senator Martin called S. B. No. 34 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Martin moved that the Senate concur in the House amendments.

The motion prevailed.

Session for Consideration of Local and Uncontested Bills Calendar

On motion of Senator Martin and by unanimous consent, the Senate agreed to hold a session for the consideration of a Local and Uncontested Bills calendar on Monday afternoon.

Memorial Resolution

S. R. No. 53—By Senator Colson: Memorial resolution for Mr. Thomas Bradford Robinson.

Adjournment

Senator Moffett moved that the Senate stand adjourned until 10:30 o'clock a.m. on Monday, January 29, 1962.

Senator Reagan moved that the Senate stand recessed until 2:00 o'clock p.m. today.

Question first on the motion of Senator Moffett to adjourn until Monday, 10:30 o'clock, on Monday, January 29, 1962, the motion prevailed.

Accordingly the Senate at 12:21 o'clock p.m., adjourned until 10:30 o'clock a.m. on Monday, January 29, 1962.

Record of Votes

Senators Colson, Secrest, Hardeman, Crump, Owen, Ratliff, Kazen, Martin, Hudson, Reagan, Patman, Willis and Parkhouse asked to be recorded as voting "Nay" on the motion to adjourn.

THIRTEENTH DAY

(Monday, January 29, 1962)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis
Lane	

Absent—Excused

Roberts Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, January 26, 1962, was dispensed with, and the Journal was approved.

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Hudson.

Senator Roberts was granted leave of absence for today on account of important business on motion of Senator Aikin.

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 29, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 41, Relating to and fixing minimum and maximum salary of the official shorthand reporter for the 142nd Judicial District of Texas composed of Midland County, and the 143rd Judicial District of Texas; with saving clause; and declaring an emergency.

S. B. No. 50, A bill to be entitled "An Act validating orders entered by County Judges declaring the inhabitants of certain cities, towns or villages incorporated, setting forth the boundaries thereof and the officials of such cities, towns or villages; validating the corporate existence of such cities, towns or villages and elections heretofore held for the election of officials, and validating the acceptance of Title 28, Revised Civil Statutes as amended by such cities, towns and villages; providing that the officials named in such order constituted the officials of such city; enacting other provisions relating to the subject; providing the Act shall not apply to any municipality the validity of which is involved in litigation; and declaring an emergency."

S. B. No. 52, A bill to be entitled "An Act amending Section 1 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as